CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1073

Chapter 5, Laws of 2012

62nd Legislature
2012 Regular Session

DISPOSITION OF REMAINS--MILITARY PERSONNEL

EFFECTIVE DATE: 06/07/12

Passed by the House January 30, 2012
Yeas 96  Nays 0

FRANK CHOPP
Speaker of the House of Representatives

Passed by the Senate February 27, 2012
Yeas 47  Nays 0

BRAD OWEN
President of the Senate

Approved March 7, 2012, 1:43 p.m.

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is SUBSTITUTE HOUSE BILL 1073 as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER
Chief Clerk

FILED
March 7, 2012

CHRISTINE GREGOIRE
Governor of the State of Washington

Secretary of State
State of Washington
AN ACT Relating to the disposition of remains of persons who died while serving on active duty in any branch of the United States armed forces, United States reserve forces, or national guard; and amending RCW 68.50.160.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Sec. 1. RCW 68.50.160 and 2011 c 265 s 2 are each amended to read as follows:

(1) A person has the right to control the disposition of his or her own remains without the predeath or postdeath consent of another person. A valid written document expressing the decedent's wishes regarding the place or method of disposition of his or her remains, signed by the decedent in the presence of a witness, is sufficient legal authorization for the procedures to be accomplished.

(2) Prearrangements that are prepaid, or filed with a licensed funeral establishment or cemetery authority, under RCW 18.39.280 through 18.39.345 and chapter 68.46 RCW are not subject to cancellation or substantial revision by survivors. Absent actual knowledge of contrary legal authorization under this section, a licensed funeral
establishment or cemetery authority shall not be held criminally nor
civilly liable for acting upon such prearrangements.

(3) If the decedent has not made a prearrangement as set forth in
subsection (2) of this section or the costs of executing the decedent's
wishes regarding the disposition of the decedent's remains exceeds a
reasonable amount or directions have not been given by the decedent,
the right to control the disposition of the remains of a deceased
person vests in, and the duty of disposition and the liability for the
reasonable cost of preparation, care, and disposition of such remains
devolves upon the following in the order named:

(a) The person designated by the decedent as authorized to direct
disposition as listed on the decedent's United States department of
defense record of emergency data, DD form 93, or its successor form, if
the decedent died while serving in military service as described in 10
U.S.C. Sec. 1481(a) (1)-(8) in any branch of the United States armed
forces, United States reserve forces, or national guard;

(b) The designated agent of the decedent as directed through a
written document signed and dated by the decedent in the presence of a
witness. The direction of the designated agent is sufficient to direct
the type, place, and method of disposition((.));

(c) The surviving spouse or state registered domestic
partner((.));

(d) The majority of the surviving adult children of the
decedent((.));

(e) The surviving parents of the decedent((.));

(f) The majority of the surviving siblings of the
decedent((.));

(g) A court-appointed guardian for the person at the time
of the person's death.

(4) If any person to whom the right of control has vested pursuant
to subsection (3) of this section has been arrested or charged with
first or second degree murder or first degree manslaughter in
connection with the decedent's death, the right of control is
relinquished and passed on in accordance with subsection (3) of this
section.

(5) If a cemetery authority as defined in RCW 68.04.190 or a
funeral establishment licensed under chapter 18.39 RCW has made a good
faith effort to locate the person cited in subsection (3)(a) through
(g) of this section or the legal representative of the
decedent's estate, the cemetery authority or funeral establishment
shall have the right to rely on an authority to bury or cremate the
human remains, executed by the most responsible party available, and
the cemetery authority or funeral establishment may not be held
criminally or civilly liable for burying or cremating the human
remains. In the event any government agency or charitable organization
provides the funds for the disposition of any human remains, the
cemetery authority or funeral establishment may not be held criminally
or civilly liable for cremating the human remains.

(6) The liability for the reasonable cost of preparation, care, and
disposition devolves jointly and severally upon all kin of the decedent
in the same degree of kindred, in the order listed in subsection (3) of
this section, and upon the estate of the decedent.

Passed by the House January 30, 2012.
Passed by the Senate February 27, 2012.
Approved by the Governor March 7, 2012.
Filed in Office of Secretary of State March 7, 2012.